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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,338	12/02/2003	Brenda Lynn Deitrich	00280749AA	1329
30743 7590 05/30/2008 WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190				
EXAMINER CHONG CRUZ, NADJA N				
ART UNIT 3623		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/725,338

Applicant(s)

DEITRICH ET AL.

Examiner

NADJA CHONG CRUZ

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the application filed on 2 December 2003.
2. Claim 28 has been added.
3. Claims 1 – 27 have been canceled.
4. Claim 28 is currently pending and has been examined.

Drawings

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because **Figures 9-13**, they do not include any reference sign(s). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because of the following informalities: the specification does not include any reference character(s) for **Figures 9-13**. Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vardi, **Organizational Career Mobility: An Integrative Model**, *Academy of Management Review*; 1980; Vol. 5, No. 3; pages 341-355 in view of Habichler et al (US 2007/0203710 A1) hereinafter "Habichler" further both in view of Clark et al (US 5,164,897) hereinafter "Clark" and Kintner et al (US 6,732,079 B1) hereinafter "Kintner".

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 28:

Vardi as shown discloses the following limitations:

- against a mix of workforce topological internal and external constraints (see at least page 341, 1st column, 1st ¶); which teaches that "career mobility experiences and opportunities are shaped by contextual and process constraint at both the individual

and organizational levels" (e.g., internal and external constraints), page 347, 1st – 2nd column, 1st ¶: which teaches that "[t]he relative importance of the various constraints and antecedents" (e.g., a mix of workforce) "is expected to vary for different types of organizations and individuals". Furthermore, Figure 2, which it illustrates an integrative model of OCM determinants and page 349-351 Objective Constraints which Vardi teaches internal and external constraints at the organizational and individual level characteristics);

- *and defining criteria for selection of at least one candidate topology for a specified mix of internal and external constraints* (see at least page 347, 1st – 2nd column, last ¶ and 2nd ¶ respectively, which teaches that "the resultant mobility is a function of the interaction between organizational attributes (which establish the type of roles, the available channels, and the criteria for career movement) and individual-level determinants (demographic characteristics as well as behavioral processes)" (e.g., a mix of internal and external constraints) where criteria for selection are defined because the mobility "becomes patterned, reflecting sequences of job changes, regular time tables, and specified criteria for the transitions". Vardi suggests that in order to identify a mobility career for a candidate, criteria selection are determined for the transition);
- *said criteria defining step comprising the steps of: computing a cost as a function of candidate topologies* (see at least page 343, 1st column, 2nd ¶, which Vardi teaches that "[t]he mobility of individuals among positions is viewed as a function of external economic forces and internal cost/ benefit and supply/demand ratios" where cost are as a function of candidate topologies (e.g., mobility among positions));
- *characterizing the workforce evolution over time as a function of dynamic workforce events, dynamic workforce events including transitions within the workforce, arrivals to the workforce and departures from the workforce* (see at least page 346, 1st

column 3rd ¶: which teaches that "[t]he intraorganizational mobility process can be abstractly described as follows: Members join the organization at various "entry ports."" (e.g., arrivals to the workforce) "During their employment period in the organization some drop out from the initial point, others move to related jobs in different directions. Some members leave through various "exit ports," others establish themselves in a terminal job until their retirement" (e.g., departures from the workforce), "and a selected few "climb the ladder" to the top" where Vardi delineate the workforce evolution over time by describing dynamic workforce events including transitions from "entry ports" to "exit ports");

- said characterizing step comprising the steps of: identifying one or more time periods of interest* (see at least page 346, 1st and 2nd column, 3rd ¶ and 1st ¶, respectively, Defining Organizational Career Mobility and page 347, 2nd column, Dimensions of Actual Mobility: Dependent Variables, which teaches that "all patterned, sequential, and work-related job movement should be regarded as career mobility. They state: "over time," (e.g., time periods of interest) "the paths of movement of personnel through the system of positions making up the company's structure tend to become more or less stabilized" because "[t]his movement for the most part becomes patterned, reflecting sequences of job changes, regular time tables, and specified criteria for the transitions". Furthermore, Vardi suggests that in order to characterize a workforce evolution over time (e.g., career, mobility, movement, job mobility, career mobility and career movement) one or more time period have to be identified because it is "useful for observing the actual patterns of job movement experienced by organization members over time");
- modeling with evolution rates data* (see at least page 343, 1st column, The Economic Approach, 1st ¶ and page 347-349, Dimensions of Actual Mobility, Rate of mobility: which teaches that "[t]he mobility of individuals among positions is

viewed as a function of external economic forces and internal cost/ benefit and supply/demand ratios. The main concerns of the economists are the conditions under which the internal labor market operates, expands, or contracts, and how the rates of mobility can be best predicted given certain economic constraints (production goals, labor contracts, prices, etc.)." where Vardi suggests that is well known in the art modeling with evolution rates data (e.g., rate of mobility) because "[r]ate of movement denotes the number of job changes relative to the period of employment in the organization");

- *and identifying a space of controlled evolution rates* (see at least page 343, 1st column, The Economic Approach, 1st ¶¶ and page 347-349, Dimensions of Actual Mobility, Rate of mobility: which teaches that "[t]he mobility of individuals among positions is viewed as a function of external economic forces and internal cost/ benefit and supply/demand ratios. The main concerns of the economists are the conditions under which the internal labor market operates, expands, or contracts, and how the rates of mobility can be best predicted given certain economic constraints (production goals, labor contracts, prices, etc.)." where Vardi suggests that the "[r]ate of movement denotes the number of job changes relative to the period of employment in the organization" where by identifying them as a space of controlled evolution rates, the organization determines viable career options for its workforce because "[a] high rate of mobility can be expected, for instance, where the internal and external labor markets are active, where job vacancies are filled from within as much as possible, or where the technology facilitates frequent job changes. Low rates of mobility, on the other hand, are expected to characterize higher-level employees, employees with specialized tasks, or those with higher needs for stability");

Vardi does not disclose the following limitations however Habichler as shown, does

- *identifying a portfolio of candidate workforce organizational topologies* (see at least Figure 6C which it illustrates an example of a network of related work position types (e.g., an original workforce organizational topologies) that is defined for an organization, Figure 14, which it illustrates a flow diagram of the career path management routine where current competency and position information for an employee and work position type is obtained which it is implicitly disclosed that a portfolio of candidate workforce is available for data retrieving and page 2, ¶ 0027: which teaches that "the facility can identify one or more possible career paths that lead from the starting position type to the target future position type" where Habichler suggests that the user identify one or more possible career paths which are workforce organizational topologies for career mobility);
- *identifying an original workforce organizational topology, said topology specifying viable paths from one node to another node in the workforce organizational topology* (see at least Figure 6C which it illustrates an example of a network of related work position types (e.g., an original workforce organizational topologies) that is defined for an organization, for example for a Junior IT Analyst, his career mobility is to IT Analyst, which can move to Senior IT Analyst – Level 1 or to become a Junior Software Engineer);
- *identifying a present state* (see at least Figure 6C which it illustrates an example of a network of related work position types, that is defined for an organization. Habichler suggests that a present state workforce from an organization is identified in order to create workforce future career path, for example, as present state described in Figure 6C: Junior IT Analyst, Junior Software Engineer, Entry-Level Product Manager and so on are identified as part of the current workforce);

- *and computing an achievable state of the workforce* (see at least Figures 8A-8C which they illustrates examples of using competency-related information as part of career path management activities and page 8, ¶ 0092-0093, which teaches that "the system in the illustrated embodiment determines the possible career paths from the starting work position type to the selected target work position type, and displays those possible career paths" where Habichler suggests that the system computes and provides possible career paths (e.g., achievable state of the workforce);
- *identifying feasibility of target states of the workforce said feasibility identifying step comprising the steps of: identifying one or more target states* (see at least page 2, ¶ 0027: which teaches that "the facility can identify one or more possible career paths" (e.g., one or more target states of the workforce) "that lead from the starting position type to the target future position type (e.g., through one or more intermediate position types).");
- *computing achievable states and checking whether the achievable states are one of the target states* (see at least page 2, ¶ 0027: which teaches that "[w]hen the position types have associated required competencies, the facility can also identify the competency gaps that exist for the member relative to each position type along the career path and/or between each pair of adjacent position types along the career path" where Habichler suggests that the system is checking the achievable states are one of the target states by identifying the competency gaps. Furthermore, "[a]fter competency gaps are identified, actions to reduce those competency gaps can be identified for possible inclusion in a future action plan for the member" in order to achieve a target state);
- *and computing elements of the space of controlled evolution rates, which after implementation would result in one of the target states, or identifying that no such*

element of the space of controlled evolution rates exists (see at least Figures 8A-8C and page 2, ¶ 0027: which teaches that "the facility can identify one or more possible career paths" (e.g., one or more target states of the workforce) "that lead from the starting position type to the target future position type (e.g., through one or more intermediate position types).") where Habichler suggests that it is implicitly disclosed that the required competencies matched the constraints (e.g., mobility rates) in order to identify a target future position. Furthermore, Habichler suggests that "[t]he facility can also provide other career management functionalities, including identifying other position types to consider (e.g., based on current or planned competencies of the member), providing links to openings for positions of future position types as the member becomes qualified for them, and providing various other types of information about future position types.");

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Vardi of Organizational Career Mobility: An Integrative Model with the computer implemented method of managing future career path of Habichler because Vardi and Habichler are from the same field of endeavor (career management) and Habichler's managing future career path is a computer implemented method of Vardi's integrative model, because Habichler computer implemented method of managing future career path "assist members of an organization in managing future career paths within the organization" in a more efficient and cost effective way. Furthermore, Habichler provides "one or more defined networks of related position types for that organization, with an appropriate defined network indicating the future position types to which a current position type can lead." (Habichler, see at least page 2, ¶ 0027).

The combination of Vardi / Habichler does not disclose the following limitations however Clark as shown, does:

- *comparing said candidate topologies for suitability of employment* (see at least column 17, lines 1-12, which teaches that "the program will compare the employee qualification with all of the open job requirements files to ascertain whether or not any matches occur" where [i]f any matches are found, the program will then display the matched open jobs at step 654 and generate a report at step 656". Clark suggests that by comparing the employee (e.g., candidate) skills and qualifications with open job requirements a career path is determined by matching employee qualifications with those job requirements in order to identify an appropriate job for career mobility);

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Vardi of Organizational Career Mobility: An Integrative Model and the computer implemented method of managing future career path of Habichler with the automated method for selecting personnel matched job criteria as taught by Clark because "it provides a fast, automated, logically organized, user friendly method for matching the qualifications of job candidates to particular job related criteria as supplied by potential employers" (e.g., potential supervisor) (Clark, see at least column 2, lines 1-8). Furthermore, Habichler and Clark are all from the same field of endeavor (career management) where Clark teaches a method for comparison and matching between job qualifications and candidates skills, which is a way to establish a future career path (e.g., candidate topologies) when a new job opportunity is determined by that comparison. Therefore, the candidate chooses which job is more appropriate to his/her current skills and by choosing this alternative a new career path and professional development begins in his/her current job organization or a new one.

The combination Vardi / Habichler /Clark does not disclose explicitly *computing a cost* however Kintner as shown, does

- *computing a cost* (see at least column 4, lines 8-18, which Kintner teaches that "this model is to determine the cost of the management policies such as headcount limits. To observe the effects of these policy constraints, the user can enter data on these policies. The model will then report the minimum-cost plan that will meet the additional policy constraints. Since these policies restrict the number of plans that can be considered, they can only serve to maintain or increase the cost of the plan." Where Kintner suggests that this model computes cost. Furthermore, [t]he model is an excellent tool for playing "what if" games to learn about the impacts of such policy constraints" (e.g., organizational constraints));

Furthermore, Kintner discloses the following limitation:

- *and selecting an optimal topology by finding the topology which minimizes the cost among the space of topologies satisfying the constraints* (see at least column 3 – 4, lines 59-61 and 11-12, respectively, which teaches that this model determines "the minimum-cost plan that will meet the workforce requirements" where Kintner suggests that it is implicitly disclosed that an optimal topology is selected by meeting the workforce requirements (e.g., satisfying the constraints) because "[t]he model will then report the minimum-cost plan that will meet the additional policy constraints");

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Vardi of Organizational Career Mobility: An Integrative Model and the computer implemented method of managing future career path of Habichler and the automated method for selecting personnel matched job criteria as taught by Clark with the method of determining the best mix of regular and contract employees because it "provides a procedure to be practiced on a suitably programmed computer for determining a low cost mix of

available different types of employees" (Kintner, see at least column 2, lines 24-26) which is obvious to modify the parameters based on the organizational needs in order to determine a low cost mix because Kintner provides "an excellent tool for playing "what if" games to learn about the impacts of such policy constraints" (Kintner, see at least column 4, lines 16-18).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Chriest et al (US 5,485,369) discloses a method and systems for processing career development information.
 - Puram et al (US 6,289,340 B1) discloses a consultant matching system and method for selecting candidates from a candidate pool by adjusting skill values.
 - Mui et al (US 2003/0229529 A1) discloses a method for enterprise workforce planning.
 - Magrino et al (US 2002/0198765 A1) discloses a human capital management performance capability matching system and methods.
 - Rosenbaum, **Tournament Mobility: Career Patterns in a Corporation**, *Administrative Science Quarterly*, Vol. 24, No. 2, (Jun., 1979), pp. 220-241.
 - Veiga, **Mobility Influences during Managerial Career Stages**, *The Academy of Management Journal*, Vol. 26, No. 1, (Mar., 1983), pp. 64-85.
 - Malos et al, **An Options-Based Model of Career Mobility in Professional Service Firms**, *The Academy of Management Review*, Vol. 20, No. 3, (Jul., 1995), pp. 611-644

Art Unit: 3623

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Nadja Chong** whose telephone number is **571.270.3939**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **BETH VAN DOREN** can be reached at **571.272.6737**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

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/Nadja Chong/Examiner, Art Unit 3623

22 May 2008

/C. Michelle Tarae/
Primary Examiner, Art Unit 3623